

REMARKS

The Abstract has been revised and the revised version is presented in the Amendments to the Specification section.

Claim 14 has been amended to express the polymeric materials as two words rather than one.

Claim 1 has been amended by inserting the term deformable to modify the first conductive layer. Support for this language may be found at page 1/ lines 16 and 20 and at claim 20. It is clear that deformation is an essential part of making the electrical contact between the first and second conductive layers of the inventive multilayer.

Claims 1-25, 30-32 and 40-41 stand rejected under 35 U.S.C. 102(a) as being anticipated by Comiskey et al., U.S. Patent Number 6,473,072. It is believed that the cited reference neither anticipates the invention nor makes the invention obvious.

It appears that Comiskey does not discuss a multilayer with two conductive layers. Nor does he suggest a deformable layer. Comiskey describes a movable electrode but not two conductive layers. The Examiner alleges that Comiskey describes a transparent layer and touch screen but he describes the combination as a multilayer laminated to a touch screen. (See Col 3 / lines 11-14.) In the present invention, the multilayer is the touch screen.

In the present invention, the spacer elements are embedded in the first conductive layer. They project from the layer to provide the necessary electrical separation from the second conductive layer in the absence of deformation. Comiskey does not suggest spacer elements that project from and separate two conductive layers. (See Fig 5 and 17 of Comiskey.) In Comiskey, the capsules are contained in a non-conducting binder (Col. 7, lines 15-19.)

In Comiskey, the capsules' role is to contain an electrophoretic suspension. They are not spacer elements between conductive layers. The language at col 8, lines 53-68 describes walls that are spacers in an x-y plane to form separate pixels rather than spacers between conductive layers in the z plane.

It is believed that the present invention is clearly distinguished over the cited reference. The Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application to Allowance.

Respectfully submitted,



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